


California
INTERNATIONAL **LAW**
Section Newsletter

MESSAGE FROM THE CHAIR

These are interesting and intense times. The proliferation and speed at which we can access information is offset by our being inundated with e-mails, mailers and other forms of communication. Practitioners are required to know more, have a greater breadth of knowledge, provide better service and be more in touch with the needs of their clients than ever before. The speed at which we can now acquire information has proportionately increased the expectations of what we can accomplish. More than ever, we devote more and more time to acquiring information and to just stay "caught up."

The consequences of increased accessibility to information are a benefit to an organization like ours. We can now provide our members with information through a variety of forms of communication. These options allow the ILS to keep our members apprised of events and issues using several different formats. Our "International Practitioner" is one of the methods we use. The Practitioner provides members with an analysis of significant international legal issues through in-depth, scholarly

articles. Another communication format used by the ILS to inform members of on-going section events and activities has been our Newsletter. Last year we began using our International Law Section e-brief to disseminate condensed items of information to our members on a weekly basis. In many ways, the e-brief and the Newsletter serve similar functions, although in different formats.

As you can well imagine, maintaining and managing three publications is quite a task. It takes a great deal of resources, both financially and in manpower. We realize that utilizing three publications on a regular basis may also be disruptive to our members' busy schedules.

The ILS Executive Committee discussed the pros and cons of overlapping publications and decided we didn't want to risk inundating our members with repetitive information that took away from our ability to serve other ILS activities. We want our publications to be welcomed by members and to avoid a "not again" response when we com-



municate with you. Given these concerns, we recently decided to combine the content and function of the Newsletter with that of the e-brief. In the future, the Newsletter will no longer be distributed and the e-brief will be used exclusively to inform members of upcoming section events, programs and activities. We hope that the combination of the e-brief and Practitioner will allow us to keep our members current on international events and issues without unnecessary overlap.

This has not been an easy decision. Over the years we have received much positive feedback on the Newsletter. However, in order for us to maintain a high level of service we have come to recognize the need to better allocate our resources to provide relevant information without being intrusive to our members. The e-brief is

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an efficient and cost effective solution. The resources previously allocated to the Newsletter will be devoted to other equally important section activities. One area that will benefit the most will be programming. We hope to provide even more quality programs that keep you up to date in an increasingly "internationalized" legal environment.

More than ever, the ILS is committed to ensuring that we address relevant international issues with our programs. While most practitioners in California may have a "domestic" practice, international issues are increasingly common as clients engage in overseas or cross-border activities. Recent political and economic developments have contributed to this trend. While the concept of "local counsel" remains relevant, all attorneys need to be aware and capable of identifying potential international issues and pitfalls. Several programs we will be offering this year will address this development. This year at the Annual Meeting in San Diego the ILS will be collaborating and co-sponsoring a number of programs with other Sections, including the Intellectual Property and Real Property sections. We will also present a "stand-alone" international anti-counterfeiting and piracy program in Los Angeles this summer as part of our on-going effort to provide members with tools to identify and resolve issues with cross jurisdictional implications.

As always, we look forward to hearing from you with any thoughts, comments, or suggestions about the Section. Please feel free to e-mail Ed Bernard, our Section administrator at Edward.Bernard@calbar.ca.gov with your thoughts.

COMBATING COUNTERFEITING AND PIRACY

Another Successful ILS Program

On June 24, 2005, the International Law Section held a seminar on Combating Counterfeiting and Piracy in Los Angeles. Speakers came from a number of countries to present their perspectives on the counterfeiting problem, and how to limit the extent of counterfeiting activity. The program was generously sponsored by two platinum level sponsors - Kirkland & Ellis, LLP and Greenberg Traurig, LLP, and the investigative firms Probe International and Swaim390 Investigations made greatly appreciated donations to the program.

On the first panel, Richard Sybert, of the firm of Gordon & Rees in San Diego, gave an overview of the subject. On his panel were Wilfrido Fernández, of the firm of Zacarias & Fernández in Asunción, Paraguay. Also on this panel was Kalley Chen, of King & Wood of Beijing. Dr. Fernández discussed the problems of counterfeiting in the South American context and the relationship of Paraguay to Brazil. He pointed out that aside from counterfeiting in the area of cigarette manufacturing, not much counterfeiting manufacturing is done in Paraguay. However, Paraguay is used as a transshipment point for counterfeit goods destined for South America, and particularly Brazil. Dr. Fernández showed a photograph of the Friendship Bridge from Paraguay to Brazil, and Mr. Sybert recalled how the Friendship Bridge was frequently a place where counterfeit goods were carried back and forth between the two countries. Ms. Chen's perspective was that considerable effort has been made in legislation designed to stem counterfeit activities in China. Her general recommendation, as enforced by others, was that registration of one's IP in China is a very important part of the process.

The second panel dealt with planning. On the planning panel were Miriam Beezy, of Foley & Lardner, and at one time, trademark counsel with Disney, and Steven Keith, a private investigator of the Probe International Investigative Firm based in London. Ms. Beezy emphasized that stopping counterfeiting activity requires creativity, and lead times were usually important to be effective. Mr. Keith spoke about the various paths that counterfeit goods travel into and out of Europe. His emphasis was on Turkey, though he broadly presented the number of different transshipment routes around the world for counterfeit goods.

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ILS thanks the Generous Sponsors for their Financial Support of
"Combating Counterfeiting and Piracy"

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COMBATING COUNTERFEITING AND PIRACY

Images of Participants

The program's keynote speaker was John Malcolm, Vice President of Anti-Piracy for the Motion Picture Association of America. Mr. Malcolm gave a presentation showing the extent of copyright piracy activity throughout the world, how it typically occurs, the technology used and what type of actions are being undertaken to limit the considerable growth of piracy worldwide.

In the afternoon, the enforcement panel consisted of Alexander MacKinnon, moderator, of Kirkland & Ellis. Harley Lewin of the New York office of Greenberg Traurig talked about centralizing the approach to anti-counterfeiting operations. Absent a central agency for distilling all information concerning the counterfeiting activity, the similarities in past counterfeiting activity could go unrecognized. Greg Nysten of the Santa Monica office of Greenberg Traurig discussed the practical issues in enforcement activity in the Central District of California. He pointed out that, particularly with the newer judges that are not familiar with the granting of ex parte seizure orders, considerable education is needed to present a strong case to convince courts to grant such orders. Eric Keyzer, from the Amsterdam office of Allen & Overy, discussed the European approach to counterfeiting activities, particularly in connection with new European regulations and the approach to recordation of national and Community Trademark registrations with Customs authorities.

Paul D. Supnik, Program Chair



Alan Kindred, Alex Schlee and Peter Gelles, members of the ILS Executive Committee who helped plan the seminar.



Speakers answer questions from seminar participants.

Pictured above (L to R): Harley Lewin, Gregory Nysten, Wilfrido Fernandez and others.

Pictured to the left (L to R): Nancy Swaim, Stephen Keith and David Nardoni.

THE CALIFORNIA INTERNATIONAL PRACTITIONER
THE OFFICIAL PUBLICATION OF ILS

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Note from Editor

This will mark the “final” issue of the ILS Newsletter. It has been my honor to serve as the Newsletter Editor for the last two years. As an editor, as fair and objective as I tried to be, I realize that I am imposing my “perspective” on the readers, for every choice I make comes from my own sense of what I think is important to the readers and my anticipation of what the readers would want. I very much appreciate your indulgence and patience and permitting me to impose on the Newsletter my perspective.

While the Newsletter will no longer be published, we urge you to continue to support the E-Brief and the Practitioner, and that you will continue to communicate with your international community in California and around the world through those two publications.

San San Lee, Newsletter Editor

JOIN US!

For those of you who are not yet members, the California International Law Section invites you to join us now. Take advantage of the MCLE programs and the free publications. Take advantage of the opportunities to recommend topics and/or speakers for Section programs, to contribute articles and/or ideas for articles to Section publications, and to meet with foreign lawyers.

DUES: _____ United States \$65
_____ Law Students in U.S. \$25
_____ Outside the U.S. \$90

The dues include a yearly subscription to the California International Law Newsletter, The California International Practitioner and admission to Section programs and events at discounted prices. There are no prerequisites to membership; all interested attorneys, non-attorneys, law professors and law students are invited to enroll. For further information, please telephone the International Law Section administration staff at the State Bar of California (415) 538-2380.

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2005 Membership Fee Statement Packet

***Please join the International Law Section at the 78th Annual State Bar of California Annual Meeting in San Diego from September 7 to 11, 2005.
We will be offering the following courses:***

- Program 164** Enforcing Foreign Judgments in the U.S. and Abroad: A Guide for Lawyers
- Program 212** Ethics and Multijurisdictional Practice Issues When Dealing with Out of State Lawyers and Clients
- Program 16** Facing Up to Diversity: Becoming a More Effective Attorney
- Program 88** Foreign Investments in the U.S.
- Program 25** Going International: Arbitration and Mediation Tools and Strategies for All California Practitioners
- Program 17** International Dispute Mediation: Can We Talk?
- Program 94** International Hotels: Acquisition and Development
- Program 209** International Loan Collateralization
- Program 30** Selected Topics in International Licensing
- Program 67** Substance Abuse: Dealing with Cultural Expectations on Drinking – How to Handle Delicate Situations

**The complete Annual Meeting Preview is now posted online.
For more information, please go to www.calbar.ca.gov/annualmeeting**

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